



"Working for our members to be the voice of government on waste minimisation and recycling issues"

LOCAL AUTHORITY RECYCLING
ADVISORY COMMITTEE

Department for Environment, Food and Rural
Affairs
Nobel House,
17 Smith Square
London,
SW1P 3JR

26th August 2011

Dear Sir/Madam

GOVERNMENTS REVIEW OF WASTE POLICY IN ENGLAND 2011

I am writing to present the LARAC response to the recently published review of waste policy, which is contained below.

The response below is sent on behalf of the Local Authority Recycling Advisory Committee (LARAC). LARAC is an association of around 85% of the local authorities across England, Scotland, Wales and Northern Ireland whose waste management and recycling professionals co-ordinate and operate waste management services. Membership is drawn from all types of authority including statutory Waste Collection (WCA), Waste Disposal (WDA) and Unitary authorities.

Our response has been peer reviewed by members of LARAC's policy team and executive committee. LARAC members have also been invited to comment on the publication through the members' discussion forum on our website. All contributions received have been taken into account in drafting the response below.

If you have any queries on this response then please contact me at sally.sheward@staffordshire.gov.uk or Andrew Craig at andrewj.craig@ntlworld.com.

Yours faithfully,

Sally Sheward
LARAC Policy Team



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GENERAL COMMENTS

LARAC believes that there is much to commend within the review. However there were several areas where we felt more work could be done and where greater commitment could have been given to the interventions needed for delivery.

With business waste making up around 30 % of the total waste stream, the increased focus on this the review is very much welcomed. The emphasis on partnerships is regarded as positive, so too is the Government's appreciation of the fact that producer funding at the moment does not cover the full cost of collecting, sorting and recycling packaging waste. The recognition of the link between waste and consumption together with understanding the role that product design and manufacture can have in achieving waste minimisation has also been received positively.

In many respects the Review gives many commitments to working with and supporting businesses, industry, local government and the big society. However, overall there were only a very few tangible key actions relevant to each sector, therefore much less in the way of a demonstrable step change than had been hoped for.

THE AMBITION & CASE FOR ACTION

LARAC commends the decision to review waste policy in England which it welcomes.

In the response to a call for evidence, LARAC set out how we believed the term "zero waste" should be clearly defined so as to avoid confusion with "zero waste to landfill". Whilst "zero waste economy" is outlined in the context of materials being recovered, recycled or reused LARAC was pleased to note the review also recognises and considers disposal in this context, albeit as an option of last resort.

Whilst LARAC respects the Government's desire not to implement target based approaches to the achievement of aims, it was nonetheless disappointing to read that its ambition was for an overall recycling rate for England of no more than the 50% level set out in the Waste Framework Directive. Achieving this rate of recycling has been acknowledged as a principal challenge. However the desire to achieve higher rates of recycling is something that only the devolved administrations seem to be now aspiring to.

Whilst unnecessary and excessive regulatory requirements are sometimes unfair on those that are compliant; regulation does have a role to play in achieving aims. The review sets out to reduce burdens by removing what are considered barriers to innovation. However without Government intervention we are not convinced that the market will provide a sufficient incentive for businesses to "do the right thing", insofar as it has failed to achieve this to date.

LARAC understands that empowering local communities to become involved in the delivery of services has many benefits, not least of aiding understanding and providing accountability



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and democracy. However it believes that for "localism" to work meaningfully within the waste sector, local parties and groups will need to work together with those already involved with such services, ensuring that a consistent approach is adopted with respect to the technical complexities associated with managing waste appropriately and effectively.

SUSTAINABLE USE OF MATERIALS & WASTE PREVENTION, REUSE AND RECYCLING

LARAC agrees that focussing efforts at the top end of the waste hierarchy is a priority. Ensuring products are designed from a whole life cycle perspective will help achieve greater waste minimisation and will assist in ensuring that when the product has reached the end of its useful life it can be recovered/recycled in line with the options available. We support measures creating conditions whereby "disposable goods" are moved out of the supply chain and replaced with more durable goods.

Furthermore, LARAC is keen to ensure that, in keeping with taking a "zero waste economy" seriously, the whole sustainable consumption and production agenda needs to be considered in totality. In this respect, the commitment that the review gives to more sustainable use of materials is very positive. However there is little to indicate how this will be achieved. Exploring options for improving recovery of valuable materials is outlined, but with little detail on how this would deliver outcomes. The reference to "only where commercially viable" further reduces potential impact.

The commitment to provide more information and support to Businesses is a step in the right direction, with the creation of a Waste Prevention Fund a clear signal of action to help deliver on this aim.

However, exactly how the Government proposes to work with, enable continued development of, and explore options on a variety of other different waste prevention proposals is unclear. LARAC hopes that the Government will provide more detailed information in these areas.

The development of a Waste Prevention Programme is certainly welcomed by LARAC and its Members and over the next 2 years we look forward to being able to contribute to its development.

Whilst LARAC was disappointed that a moratorium on packaging targets was announced towards the end of 2010, we had hoped that the review would give commitment in relation to increased recycling targets from 2013. Needless to say upon publication of the review we were further disappointed that no commitment in relation to higher targets was given, merely a pledge to consult further.

Challenging packaging recycling targets are an essential element in not only increasing recycling and reducing carbon from materials that are currently going to landfill, but also helping user organisations to develop new supply chains out of the most common packaging materials plastics and cardboard (including composites). Until a firm signal is given on this,



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new supply chains that are needed to de-risk investments in new packaging recycling initiatives will be hard to develop.

To this end, LARAC hopes that the Government will ensure that all parts of the materials chains are consulted during the process of packaging targets, in particular the new resources industries such as base chemicals and the energy industry.

Whilst commercial organisations in the packaging supply chain will undoubtedly call for reduced targets, LARAC anticipates that public, community and private sector organisations will all want targets to be as challenging as possible so that maximum levels of materials can be recovered. LARAC participates in the Advisory Committee on Packaging (ACP) and concurs that there is an urgent need for the current Packaging Recovery Note (PRN) system to be made transparent. This is vital if public confidence (and perception) is to be gained that the issue of packaging recycling has been effectively addressed in the review.

LARAC wholeheartedly supports the principle of Extended Producer responsibility and is pleased to read that further Responsibility Deals are being considered across a greater proportion of industry.

However, whilst the first Courtauld Agreement has been quite successful at getting most of the large brand owners and retailers together to reduce packaging the second commitment is ambitious and appears to be less clear in areas such as carbon effects measurement. Similarly whilst LARAC supports the principle of these deals we are doubtful that, by themselves, they will achieve great results. Private sector organisations will seek to do different things and will have differing priorities to those that are accountable to the public.

In contrast a Local Authority cannot be selective and has to be accountable to the whole population. There are good examples of genuine partnership approaches between both private sector and business from which learning will be gained for example the unique collaboration between Marks and Spencer and Somerset Waste Partnership.

Overall, whilst the principle of responsibility deals is something LARAC supports, without a credible threat of compulsion it is unlikely that Society as a whole will benefit as much as it might from better resources management.

In its response to the Call for Evidence, LARAC called for attention to be focussed on those waste streams where the greatest environmental benefit could be gained from prevention, thereby applying a rationale to such a choice. In this respect, and in stark contrast to the paucity of information about delivery mechanisms of some commitments, the specific action to focus on "toy packaging" within the review seemed somewhat arbitrary. Packaging for cosmetics, non-food goods (e.g. hardware and DIY) and luxury goods are equally strong candidates for attention.

The inclusion of Deposit Return Schemes within the review was encouraging, (albeit in very limited detail) and LARAC look forward to contributing further on this as part of the consultation on packaging in 2012. Discussions and consultations with our members on these schemes has shown, in principle, support for their use in reducing litter and increasing recycling, primarily on a voluntary basis.



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REGULATION & ENFORCEMENT

LARAC recognises that the review is seeking to minimise burdens on businesses and to encourage householders to participate more in waste prevention and recycling by adopting a light touch on regulation. However, our members have expressed disappointment and concern regarding the repeal of certain powers under the review. In particular, parts of the Environment Act 1990. The number of cases where these powers have been exercised compared to the many millions of bin collections that Local Authorities carry out each week in England is minimal. Where they have been used in the past, they have almost never been taken lightly, but rather as a last resort in a difficult situation. Although rarely used, the ability to fine persistent offenders is something that LARAC would like to see retained.

Furthermore, our members have expressed concern in relation to paragraph 131 of the review. LARAC would like the Government to clarify exactly what it proposes to in respect of Section 46 of the Environmental Protection Act 1990 (EPA 1990). We hope that the repeal relates only to provision of up to a £1000 fine, NOT the ability to specify how householders present their waste for collection. Further clarification on this would be welcomed.

The example given in point 134 of the review, using a more light hearted touch to local authority enforcement is commended, however in keeping with the LARAC view of "one size doesn't fit all" approach to collections, there will be undoubtedly be areas and situations where this is perhaps not suitable.

In any case, LARAC would welcome clearer guidance on the extent of local authority powers under this section of the EPA 1990 and how much, if at all, the Government proposes to change these.

EMPOWERING LOCAL COMMUNITIES

Householders and local authorities working together

LARAC welcomes the review's confirmation that waste services are a matter for local authorities to develop fit for purpose solutions. Each district has different demographics, different needs and requirements and individual circumstance. It is vital that local authorities are given the freedom to achieve a service that suits the needs of local people and the local environment. LARAC believes this is in keeping with the Government's "localism" philosophy.

It is widely acknowledged and documented that choice and frequency of collection strongly influence and facilitate increases in recycling, yet the review sets out a commitment that the Government will work with local councils to increase the frequency and quality of rubbish collections. LARAC would welcome further details as to exactly what measures are being proposed to increase the frequency of collections and what evidence exists that collection frequency need to be changed.



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LARAC understands that high quality information is critical to achieve buy in from residents for most of the waste services that are offered. Over the last decade, LARAC has recognised that WRAP has assisted greatly with helping to improve and standardise recycling communications to members of the public and have provided much needed support to Local Authorities to get the messages across. The review makes specific reference to information relating to end destinations for materials that are recycled. Whilst LARAC accepts that there is always more that could be done in this area the review did not outline specific measures that the Government proposes to assist Local Authorities and other key stakeholders in achieving this. More consideration should be given to the packaging industry's involvement in helping Local Authorities to achieve this.

Whilst much of the Review lacks specific actions, there is a list of specific and fairly tangible activities in relation to rewards and recognitions. In general LARAC supports the concept of "rewards" as a motivational tool but this does not engage everyone. Some may see it as paradoxical that a grant funding scheme will be made available to "incentivise" community groups, civic society organisations and local authorities to come up with innovative schemes! LARAC hopes that the allocation of funds under this scheme will take into account any perverse incentives schemes may provide for people to consume more.

In consideration of support to local authorities, LARAC welcomes the announcement in the review that the Landfill Allowance Trading Scheme will end in 2013. This will eliminate the disincentive that local authorities often perceive against providing its small local businesses with services to recycle their waste. LARAC would welcome further guidance and on how Local Authorities might now better support such businesses.

LARAC understands the Government is keen to reduce the burden to Local Authorities in respect of the amount of data that is reported. Where appropriate, LARAC supports streamlining data collections. However, it is also important to consider the importance of good quality comparable data as a management tool; one which is vital in understanding how services perform and how best they may be improved from a quality as well as efficiency perspective. It is important therefore that reducing information demands does not lead to loss of key. LARAC proposes that any further changes to Waste Data Flow should be considered with these comments in mind.

Business waste collections

For many years, the success of focussing on household waste reduction and recycling has been widely recognised. Much has been achieved in this regard and it is pleasing to read in the Review, that greater emphasis and focus is now to be given to wider municipal wastes. Local authorities are often asked about services to Small Medium Enterprises (SMEs) and LARAC recognises that there is more that needs to be done in this respect.

The Review identified many of the key barriers faced by businesses in the quest to recycle more and gave some commitment to tackling this. LARAC welcomes this, but we feel that more information as to how many of these commitments could be delivered should have been given. In particular, how the Government propose to encourage local authorities to consider the use of household facilities for joint use taking into account the perceived barriers to joint use of these sites.



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Involvement of Civil Society

LARAC supports the use of civil society in delivering community involvement in recycling and /or resue services and welcomes the acknowledgement within the Review that one of the key barriers to their involvement is finance. With Local Authorities facing financial constraints, the funding support traditionally use to help sustain these schemes may not be available.

Whilst the Government's commitment to civil society within the Review is clearly set out, once again there appears to be a lack of specific proposals for how the aims and objectives will be taken forward.

FOOD WASTE

LARAC supportst the Government's decision to give priority to food waste as this aligns with the general consensus that those waste streams where the greatest environmental benefit could be gained should be given greater focus.

The introduction of a producer responsibility deals for the hospitality and food service industry is welcomed and LARAC loosk forward to hearing more about this commitment in the near future.

ENERGY RECOVERY

Whilst the recognition that Energy recovery technology has a vital role to play in any sustainable waste management system is clearly stated, the Review also encouragingly sets out the role of Government in facilitating informed decisions by communities, local authorities and businesses. The work that will evolve from those commitments however needs to be set out in a clear and defined way if the commitments are to be achievable.

The better use of heat from EfW plants is essential to achieve high efficiency energy recovery from waste as the Review identifies. However, in general, the District Heating schemes needed to provide greater efficiency to these plants are unlikely to flourish unless some form of public subsidy is identified towards the infrastructure costs – there is a body of evidence that the incentives already introduced (Renewable Heat Incentives, Renewables Obligation, Code for Sustainable Homes, Green Investment Bank) will not be enough to address this market failure, where capital costs of the gas distribution infrastructure are sunk. This market failure has not been successfully, unaddressed.

LARAC shares the Government's view that Energy Recovery is an excellent use of many wastes that cannot be recycled and could otherwise go to landfill. The Review gives a focus on one specific recovery process, anaerobic digestion. Whilst this form of treatment works very effectively with certain waste streams (i.e. food waste), LARAC believes that other energy recovery processes should be considered alongside the work proposed for AD.

LANDFILL

LARAC concurs with the view that landfill should be the last resort for biodegradable waste, and that additional legislative measures may, in the future, be necessary to ensure wastes,



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that are considered resources are kept out of landfill. The views of key stakeholders on potential landfill bans for key materials has already been recently undertaken. It is therefore unlikely that further consultations will tease out any significant new views. LARAC sees limited value in repeating the exercise.

As discussed earlier, LARAC welcomes the abolishment of the Landfill Allowance Trading Scheme set out in the Review and supports the continued use of landfill tax at high levels.

INFRASTRUCTURE AND PLANNING

Once again, there are many words in the section on the issues around planning policy but very little substance. LARAC shares with ESA, anxiety that dismantling regional planning and replacing it with local accountability for planning strategy will lead to there being areas where local opposition will make it impossible to install the waste treatment facilities that are needed. Against the backdrop of reducing resources and therefore reducing capacity for strategic planning, the "duty to cooperate" in the Localism Bill could easily just become a box to tick.

It is pleasing to see that the Review highlights the importance of good and up to date information and data. A raft of excellent work has been undertaken over the past few years, particularly in relation to national statistics on Industrial and Commercial waste. There is a fear however, that without the continued funding required to sustain these data sets, information will rapidly become out of date and of diminishing use in the future. Provision of information from waste operators is in principle a good idea but does run contrary to the Government's pledge to reduce administrative burden. Moreover, the proposed change to section 108 of the 1995 Environment Act will serve to make it more difficult for local authorities to obtain compositional data.

The commitment within the Review to establish a new Green Investment Bank is certainly a step in the right direction to encouraging the increase in sustainable technologies brought to market by the private sector. LARAC looks forward to hearing further details on how this will progress.

NEXT STEPS

Further details on how many of the commitments in the review will be delivered and when would be welcomed by LARAC as the next step.